

1 Michael St. James, CSB No. 95653
2 ST. JAMES LAW, P.C.
3 22 Battery Street, Suite 810
4 San Francisco, California 94111
5 (415) 391-7566 Telephone
6 (415) 391-7568 Facsimile
7 michael@stjames-law.com

8 Bankruptcy Counsel for Spiro Jannings

9 **UNITED STATES BANKRUPTCY COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 San Francisco Division

12 In re

13 PG&E CORPORATION

14 - and -

15 PACIFIC GAS & ELECTRIC
16 COMPANY

17 Reorganized Debtors

18 ☐ Affects PG&E Corporation
19 ☐ Affects Pacific Gas and Electric Company
20 ☒ Affects both Debtors

* All papers shall be filed in the Lead Case, No.
19-30088 (DM).

Case No. 19-30088
(jointly administered)

Chapter 11

21 **DECLARATION OF SCOTT FURSTMAN IN SUPPORT OF**
22 **MOTION FOR RELIEF FROM DEFAULT ORDER**

23 (Default Order; Dkt #11829; Sustaining Objection to Claim No. 58462; Dkt # 11388)
24
25
26
27
28

1 I, Scott Furstman, declare under penalty of perjury:

2 1. I am an attorney at law, licensed by and in good standing with the Bar of this State, and
3 admitted to practice before this Court. I am litigation counsel for Spiro Jannings ("Spiro"). I make this
4 Declaration of my own personal knowledge, and if called as a witness, I could and would competently
5 testify as follows:

6 2. My practice centers around litigation, and I have successfully prosecuted wrongful
7 termination cases. I am counsel for Spiro in connection with his lawsuit against PG&E for wrongful
8 termination, commenced in the Superior Court for Santa Clara County (the "State Lawsuit.") I did not
9 further prosecute the State Lawsuit after PG&E filed its bankruptcy case.

10 3. I received PG&E's Objection to Spiro's claim. I am unfamiliar with bankruptcy law, and
11 so I undertook to locate bankruptcy co-counsel to help respond to the Objection.

12 4. I engaged St. James Law, P.C. to that end. Mr. St. James advised that there was a
13 reasonable prospect that the dispute about Spiro's wrongful termination claim would be returned to
14 State Court, and that he intended to proceed with that effort first, before responding to the merits of the
15 Objection. I agreed that, should a substantive response to the Objection become necessary, that would
16 be my responsibility.

17 5. I understood that Mr. St. James undertook efforts to cause the dispute to be returned to
18 State Court for resolution. Through a Docket Text Order dated December 31, 2021, the Court denied
19 those efforts and required Spiro to file a substantive response to the Objection by January 4, 2022,
20 unless PG&E agreed to a further extension of time.

21 6. I did not prepare a substantive response to the Objection to Spiro's Claim during the
22 pendency of Mr. St. James' efforts to return the dispute to State Court.

23 7. Mr. St. James provided me with a copy of the Court's Docket Text Order dated
24 December 31, 2021. He explained that he had communicated with PG&E's counsel about a consensual
25 extension of time to respond, but had been advised that PG&E would likely agree to an extension of
26 time of only a few days for the submission of a response, and was unlikely to consent to any extension
27 of time which required deferring the January 18, 2022 hearing date.


28 8. While I have successfully prosecuted wrongful termination cases, most of the Objection

1 raises questions of labor law which arise when the aggrieved former employee was a member of a
2 union. This is not an area of law with which I have any significant background or expertise, and so it is
3 my sense that I would require at least 60 days sufficiently to understand the legal arguments so as to
4 frame an effective response and to collect appropriate evidence in support of that response. I would
5 add to that 15 days to work with Mr. St. James on finalizing the response, since I am unfamiliar with
6 federal and bankruptcy court procedure and practice. Thus, I thought an appropriate amount of time to
7 prepare a substantive response would be about 75 days, which was clearly beyond the amount of time
8 to which PG&E would consent.

9 9. Throughout this period, my medical condition impaired my ability promptly to address
10 this matter. I have been diagnosed with stage 4 melanoma as well as lymphoma. The treatments for
11 these conditions are exhausting at times and can affect my response time for work related matters.
12 During the recent past, I have been hospitalized and extensively treated, both for cancer and for a
13 fracture of my 9th and 10th ribs due to a fall. For example, I was out of the office on December 29th
14 (cancer infusion), January 4th (cancer physical therapy) and then out again January 6 through 8, 2022,
15 including a stay in the emergency room on January 7th through 8th. A true and correct copy of a print-
16 out of my recent appointments at Stanford Medical Center is attached hereto. My medical
17 circumstances have exacerbated my difficulties in responding to this matter as timely as I would like.

18 10. If given a reasonable opportunity to do so – 75 days, absent medical complications – I
19 believe I could present a meritorious response to PG&E's Objection to Spiro's claim.

20 I declare under penalty of perjury according to the laws of the United States of America that the
21 foregoing is true and correct and that this Declaration was executed in San Jose, California on
22 January 26, 2022.

23
24 
25 /s/ Scott Furstman .
26 Scott Furstman
27
28



Name: Scott S Furstman, Esq. | **DOB:** [REDACTED] 9 | **MRN:** [REDACTED] | **PCP:** John Jay Jernick, MD

My Appointments

Some visit summaries now include notes written by your care team. Learn more about reading notes in MyHealth in our Frequently Asked Questions. Go to Patient Visit Records to download or send your records.

Appointments in **bold** indicate unread or updated notes from your care team.

1/12/2022 at 5:10 PM

Hospital Outpatient Visit

1/12/2022 at 3:30 PM

Telemedicine with Sunil Arani Reddy, MD

1/11/2022 at 1:20 PM

Hospital Outpatient Visit

1/11/2022 at 12:30 PM

Hospital Outpatient Visit

1/10/2022

Telephone with Laura Morris, RN

1/8/2022 at 8:49 PM

Emergency Department

1/4/2022 at 12:45 PM

Physical Therapy with Lori Beyer, DPT

12/29/2021 at 2:20 PM

Hospital Outpatient Visit

12/29/2021 at 1:30 PM

Office Visit with Sunil Arani Reddy, MD

12/28/2021 at 8:15 AM

Physical Therapy with Lori Beyer, DPT

12/15/2021 at 2:40 PM

Hospital Outpatient Visit

12/15/2021 at 1:30 PM

Office Visit with Sunil Arani Reddy, MD

12/15/2021 at 11:30 AM

Office Visit with Joshua Howard Levin, MD

12/13/2021 at 3:30 PM

Office Visit with Joshua Howard Levin, MD

12/1/2021 at 4:10 PM
Hospital Outpatient Visit

12/1/2021 at 2:15 PM
Office Visit with Sunil Arani Reddy, MD

11/24/2021
Telephone with Jennifer Elynn Yeh, MD

11/24/2021
Telephone with Verzosa Rosalyn, RN

11/23/2021 at 1:05 PM
Hospital Outpatient Visit

11/23/2021 at 11:30 AM
Office Visit with Diane Gatdula Montefalcon, NP

11/18/2021 at 4:30 PM
Office Visit with Jennifer Elynn Yeh, MD

11/18/2021 at 10:00 AM
Telemedicine with Joshua Howard Levin, MD

11/17/2021 at 2:20 PM
Hospital Outpatient Visit

11/17/2021 at 1:00 PM
Office Visit with Sunil Arani Reddy, MD

11/3/2021 at 4:10 PM
Hospital Outpatient Visit

11/3/2021 at 3:00 PM
Office Visit with Sunil Arani Reddy, MD

11/2/2021 at 10:15 AM
Hospital Outpatient Visit

11/1/2021 at 3:25 PM
Surgery with Joshua Howard Levin, MD

11/1/2021 to 11/1/2021
Hospital Visit

10/21/2021 at 10:15 AM
Telemedicine with Joshua Howard Levin, MD

10/20/2021 at 5:30 PM
Hospital Outpatient Visit

10/20/2021 at 4:00 PM
Office Visit with Sunil Arani Reddy, MD

10/8/2021 at 3:00 PM

Physical Therapy with Lori Beyer, DPT

10/6/2021 at 3:00 PM

Hospital Outpatient Visit

10/6/2021 at 2:00 PM

Office Visit with Sunil Arani Reddy, MD

10/4/2021 at 1:30 PM

Surgery with Joshua Howard Levin, MD

10/4/2021 to 10/4/2021

Hospital Visit

9/23/2021 at 12:15 PM

Telemedicine with Joshua Howard Levin, MD

9/22/2021 at 4:40 PM

Hospital Outpatient Visit

9/22/2021 at 3:30 PM

Office Visit with Leila Montaser Kouhsari, MD

9/22/2021 at 2:30 PM

Office Visit with Sunil Arani Reddy, MD

9/14/2021 at 12:00 PM

Physical Therapy with Lori Beyer, DPT

9/9/2021 at 7:30 PM

Hospital Outpatient Visit

9/8/2021 at 6:00 PM

Hospital Outpatient Visit

9/8/2021 at 4:30 PM

Office Visit with Sunil Arani Reddy, MD

9/7/2021 at 3:00 PM

Physical Therapy with Lori Beyer, DPT

9/1/2021 at 8:15 AM

Physical Therapy with Lori Beyer, DPT

8/31/2021

Telephone with Mary Jennifer Hoff, NP

8/27/2021 at 1:20 PM

Hospital Outpatient Visit

8/27/2021 at 12:30 PM

Hospital Outpatient Visit